

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KELLY, Daniel P.

DATE: October 31, 2002

SERIAL NO.: 09/771,782

GROUP ART UNIT: 1732

FILED: 29 January 2001

EXAMINER: Edmund H. Lee

FOR: "Sports Projectile Shaped Bead Necklace and Method of Manufacture"

Attorney Docket No.: A00219US (98361.3)

* * * * *

DECLARATION OF DANIEL P. KELLY

I, Daniel P. Kelly, am the inventor of the inventions claimed in the above-referenced patent application.

On or about 26 April 2000, I first manufactured and sold necklaces as claimed in the above-referenced patent application. I have licensed rights under the above-referenced patent application to Innovative Marketing. Innovative Marketing sells necklaces in accordance with the claims of the above-referenced patent application to America's Fund Raisers, which maintains the site www.americasfundraisers.com. Thus, the necklaces shown at the site www.americasfundraisers.com could not have appeared prior to 26 April 2000.

I am not aware of any necklaces as claimed in the above-referenced patent application which were available before I invented the claimed necklaces. However, I am familiar with other companies which are selling necklaces which I believe infringe claims of the above-referenced patent application. These companies include the following: Bead Sale, LLC, Fun Express, Inc., Oriental Trading Company, Inc.; and Prime Master.

The undersigned hereby declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, and that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Daniel P. Kelly

P:\Seth\98361.3.kelly.dee.wpd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KRLLY, Daniel P. DATE: October 31, 2002
SERIAL NO.: 09/771,782 GROUP ART UNIT: 1732
FILED: 29 January 2001 EXAMINER: Edmund H. Lee
FOR: "Sports Projectile Shaped Bend Necklace and Method of Manufacture"
Attorney Docket No.: A00219US (98361.3)

DECLARATION OF DANIEL E. KELLY

1. Daniel P. Kelly, am the inventor of the inventions claimed in the above-referenced patent application.

On or about 26 April 2000, I first manufactured and sold necklaces as claimed in the above-referenced patent application. I have licensed rights under the above-referenced patent application to Innovative Marketing. Innovative Marketing sells necklaces in accordance with the claims of the above-referenced patent application to America's Fund Raisers, which maintains the site www.americasfundraisers.com. Thus, the necklaces shown at the site www.americasfundraisers.com could not have appeared prior to 26 April 2000.

I am not aware of any necklaces as claimed in the above-referenced patent application which were available before I invented the claimed necklaces. However, I am familiar with other companies which are selling necklaces which I believe infringe claims of the above-referenced patent application. These companies include the following: Bead Sale, LLC, Fun Express, Inc., Oriental Trading Company, Inc.; and Prime Master.

The undersigned hereby declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, and that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10-31-02
Date

David P Kelly

P:\Work\95361-3 Kelly\vw.doc.wpd